

Malcolm M. Mitchell, Jr. (VSB No. 18098)
Suparna Banerjee (VSB No. 67929)
Kara D. Lehman (VSB No. 68359)
Vorys, Sater, Seymour and Pease LLP
277 South Washington Street, Suite 310
Alexandria, VA 22314
Telephone: 703-837-6999
Facsimile: 703-549-4492
mmmitchell@vorys.com
Counsel for Accent Energy California LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

| | | |
|--|---|-----------------------|
| -----X |) | |
| In re: |) | Chapter 11 |
| |) | |
| CIRCUIT CITY STORES, INC., <i>et al.</i> , |) | Case No. 08-35653-KRH |
| |) | |
| Debtors. |) | Jointly Administered |
| |) | |
| -----X | | |

**MOTION BY ACCENT ENERGY CALIFORNIA LLC
FOR ADDITIONAL ADEQUATE ASSURANCE
PURSUANT TO BANKRUPTCY CODE SECTION 366
IN LIEU OF BLOCKED ACCOUNT**

COMES NOW Accent Energy California LLC (“Accent Energy”), by its counsel, and pursuant to Bankruptcy Code Section 366 moves this Court as follows:

1. Accent Energy is a Utility Company as listed on Exhibit A attached to the *Order Under Bankruptcy Code Sections 105(a), 363, and 366, and Bankruptcy Rule 6003 (I) Approving Debtors’ Adequate Assurance of Payment, (II) Establishing Procedures for Resolving Requests by Utility Companies for Additional Assurance of Payment, (III) Scheduling a Hearing with Respect to Contested Adequate Assurance of Payment Requests, and (IV) Authorizing Debtors to*

Pay Claims of a Third Party Vendor entered in this case on November 12, 2008 (the “Section 366 Order”).

2. Accent Energy provides natural gas on account to Circuit City Stores, Inc. (the “Debtor”) pursuant to the Natural Gas Services Agreement (“Gas Agreement”) dated November 29, 2007 at the stores of the Debtor listed on the Facility List and made a part of the Gas Agreement. The Facility List is attached as Exhibit 1. See Hamman Declaration paragraph 5.

3. The Utility Blocked Account approved by the Section 366 Order does not provide Accent Energy with adequate assurance of payment for utility service that is satisfactory to Accent Energy.

4. Under Accent Energy’s billing cycles, the Debtor receives approximately one month of natural gas before Accent Energy bills for such charges. It takes approximately five days to render a bill. Once a bill is rendered, the Debtor has 15 days in which to pay. If the Debtor fails to timely pay a bill, a late fee is imposed. If the Debtor fails to pay the bill, its service may be disconnected for non-payment. Under Accent Energy’s billing cycles, its agreement with its supplier and the procedures required by the Bankruptcy Court, the Debtor could receive three months of unpaid charges for natural gas before Accent Energy could cease supply of natural gas as a result of a post-petition payment default. See Hamman Declaration paragraph 6.

5. Based on historical usage and current market pricing, Accent Energy’s present exposure under paragraph 4 above on the accounts under which it provides natural gas to the Debtor is estimated to be \$41,003.00. See Hamman Declaration paragraph 7.

6. Pursuant to Section 366(c)(2), Accent Energy would be satisfied if it receives a cash deposit of \$41,003.00 in lieu of the Blocked Account established pursuant to the Section 366 Order.

7. Accent Energy reserves its claims for pre-petition amounts which are owed it by Debtor, including its expenses, late fees and attorneys' fees.

8. Pursuant to Local Rule 9013-1(C), and because there are no novel issues of law presented in this Motion and applicable law is cited, Accent Energy requests that the requirement that all motions be accompanied by a separate memorandum of law be waived.

WHEREFORE, Accent Energy California LLC moves this Court for entry of an Order requiring the Debtor to pay it a cash security deposit in the amount of \$41,003.00 as adequate assurance of payment pursuant to Section 366 and for such other relief as the Court deems just and proper.

Dated:: November 26, 2008
Alexandria, Virginia

/s/ Malcolm M. Mitchell, Jr.

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Alexandria, VA 22314
Telephone: 703-837-6999
Facsimile: 703-549-4492
mmmitchell@vorys.com
Counsel for Accent Energy California LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2008, a true and complete copy of the foregoing *Motion By Accent Energy California LLC for Additional Adequate Assurance Pursuant to Bankruptcy Code Section 366 In Lieu of Blocked Account* was served by either First Class Mail, postage prepaid and/or by electronic delivery to all of the parties on the attached Service List in accordance with the Order entered in this case on November 13, 2008, *Establishing Certain Notice, Case Management, and Administrative Procedures*.

_____/s/ Malcolm M. Mitchell, Jr.